

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

**IN THE MATTER OF:**

**Fred Knosby**

**ADMINISTRATIVE CONSENT  
ORDER NO. 2007-AQ-24  
NO. 2007-SW-13**

**TO: Fred Knosby  
5801 Cumming Avenue  
Cumming, Iowa 50061**

**VIOLATION:** On April 18, 2007, the Iowa Department of Natural Resources (DNR) conducted an investigation concerning an open burning on property locally known as 5801 Cumming Avenue, Cumming, Iowa. The property's legal description is as follows: Section 7, 177N, R25W, Warren County, Iowa. While conducting this investigation, DNR staff observed open burning of solid wastes and other prohibited material, including white goods.<sup>1</sup> Iowa Code section 455B.133 and 567 Iowa Administrative Code (IAC) 23.2(455B) prohibit such open burning. The open burning of this type of material, specifically appliances, can release smoke and toxins that pollute the air, may pollute groundwater, and pose a risk to human health and the environment. The open burning also constitutes improper disposal of solid waste, which is a violation of Iowa Code section 455B.303 and 567 IAC 100.4.

**ORDER:** You shall cease the open burning of all solid wastes, including appliances, except that which is exempted by law. In addition, you shall pay a penalty of \$3,180 in accordance with the below schedule. This penalty shall be paid to the DNR at the address below. \$180.00 of this amount is based on economic benefit, due to avoidance of solid waste disposal. \$1,000.00 of this amount is based on the gravity of the violation. The open burning of materials such as appliances can release toxins that pollute the air, may pollute groundwater, and pose a risk to human health and the environment. \$2,000.00 of this amount is for culpability. You have the duty to remain knowledgeable of the DNR's requirements and to be alert to the probability that your conduct is subject to the DNR's rules. Moreover, the site of the open burning was still smoldering one day after you were instructed by the DNR that the open burn was in violation of Iowa law and you were directed to extinguish the fire.

Payment of the administrative penalty to the DNR shall be in accordance with the following schedule:

\$132.50 due on November 15, 2007;  
\$132.50 due on December 15, 2007;  
\$132.50 due on January 15, 2008;  
\$132.50 due on February 15, 2008;  
\$132.50 due on March 15, 2008;  
\$132.50 due on April 15, 2008;  
\$132.50 due on May 15, 2008;

<sup>1</sup> "White goods" include, but are not limited to ovens, refrigerators, freezers, dishwashers, laundry equipment, trash compactors, water heaters, comfort furnaces, electric heat pumps and most HVAC equipment.

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**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER  
Issued to: Fred Knosby**

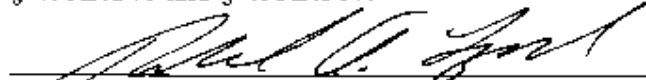
\$132.50 due on June 15, 2008;  
\$132.50 due on July 15, 2008;  
\$132.50 due on August 15, 2008;  
\$132.50 due on September 15, 2008;  
\$132.50 due on October 15, 2008;  
\$132.50 due on November 15, 2008;  
\$132.50 due on December 15, 2008;  
\$132.50 due on January 15, 2009;  
\$132.50 due on February 15, 2009;  
\$132.50 due on March 15, 2009;  
\$132.50 due on April 15, 2009;  
\$132.50 due on May 15, 2009;  
\$132.50 due on June 15, 2009;  
\$132.50 due on July 15, 2009;  
\$132.50 due on August 15, 2009;  
\$132.50 due on September 15, 2009; and  
\$132.50 due on October 15, 2009.

If any of the said payments are not received in accordance with the scheduled dates, the remainder of the penalty shall be due immediately. Failure to pay the penalty in full may result in referral to the Iowa Attorney General's Office or to the Iowa Department of Revenue and Finance.

**AUTHORITY:** Iowa Code § 455B.109, Iowa Code § 455B.138, Iowa Code § 455B.307, 567 IAC 10.3.

**APPEAL:** This order is entered into knowingly by and with the consent of Fred Knosby. For that reason, Mr. Knosby waives the right to appeal this order or any part thereof.


**NONCOMPLIANCE:** If you fail to comply with this order you may be subject to further penalties pursuant to Iowa Code § 455B.109 or penalties and injunction pursuant to Iowa Code § 455B.146 and § 455B.307.

  
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RICHARD A. LEOPOLD, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East 9<sup>th</sup> Street, Wallace State Office Building, Des Moines, IA 50319

Dated this 1 day of  
November, 2007

  
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Fred Knosby

Dated this 24 day of  
Oct, 2007